

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figure 1, replaces the originally filed drawing. In Figure 1, previously omitted element 13 has been added.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

Applicant has reviewed and considered the Office Action dated November 17, 2004 and the references cited therein. In response thereto, the Specification and Figure 1 are amended; claims 8-29 are canceled without prejudice or disclaimer; and new claims 30-37 are added. Claims 1-7 were canceled previously. Accordingly, claims 30-37 are pending in the present application.

Objection

Claims 8-29 are objected to in that human body is positively recited in the claims. Claims 8-29 are now canceled, and new claims 30-37 are drafted to overcome the objection.

Rejection Under 35 U.S.C. 102(b)

Claims 8, 9, 11-18, 22-25 and 27-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Skrabal.

New claim 30 recites a device for measuring fluids in a body which comprises a structure having an inlet portion, an access portion, and an outlet portion, the access portion being implantable in the body when the device measures the fluids in the body and being in fluid communication between the inlet portion and the outlet portion, wherein the access portion has a fluid channel in which a dialysis fluid flows from the inlet portion to the outlet portion whereby constituents of the fluids in the body are picked up by the dialysis fluid flowing through the access portion; and a sensor being arranged in the fluid channel in vicinity of the outlet portion, the sensor being disposed outside of the body when the access portion is implanted in the body to measure the fluids in the body.

Skrabal describes a “glucose pen” with a pen-shaped housing (70) provided with a subcutaneous needle (2) on one end and an analyzing unit 10 placed together with the measuring capillary 10’ close to the subcutaneous needle, as shown in Figure 16 and column 18, lines 53-57). However, Skrabal does not disclose or teach a structure having an inlet portion, an access portion, an outlet portion wherein the access portion is implantable in the body when the device measures the fluids in the body and is in fluid communication between the inlet and outlet portions, and wherein the access portion has a fluid channel in which a dialysis fluid flows from

the inlet portion to the outlet portion whereby constituents of the fluids in the body are picked up by the dialysis fluid flowing through the access portion, as recited in claim 30. Nowhere in Skrabal does it disclose or teach such a structure in a device for measuring fluids in the body. As a result, Applicant respectfully submits that claim 30 patentably distinguishes over Skrabal.

Claims 31-37 which are dependent from claim 30 are also patentable over Skrabal for at least the same reason above.

Rejection Under 35 U.S.C. § 103(a)

Claims 10, 19, 20, 21, 26 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Skrabal in view of Say.

Say describes a sensor assembly including a catheter having a catheter sheath adapted for insertion in a patient. Say discloses a check valve 44. However, Say fails to disclose or teach the above discussed features as recited in claim 30. Thus, the combination of Skrabal and Say does not result in the claimed invention. Applicant respectfully submits that claims 30-37 are patentable over Skrabal in view of Say.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

Applicant submits herewith a Petition for Extension of Time and a Request for Continued Examination along with a check in the amount of \$1810.00, (\$1020.00 for the Extension of Time Fee and \$790.00 for the Request for Continued Examination Fee).

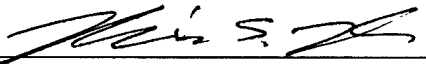
The Commissioner is hereby authorized to charge Deposit Account No. 04-1420 for any deficiencies and/or credit any overpayments.

If a telephone interview would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: April 25, 2005

By: 
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612-752-7367

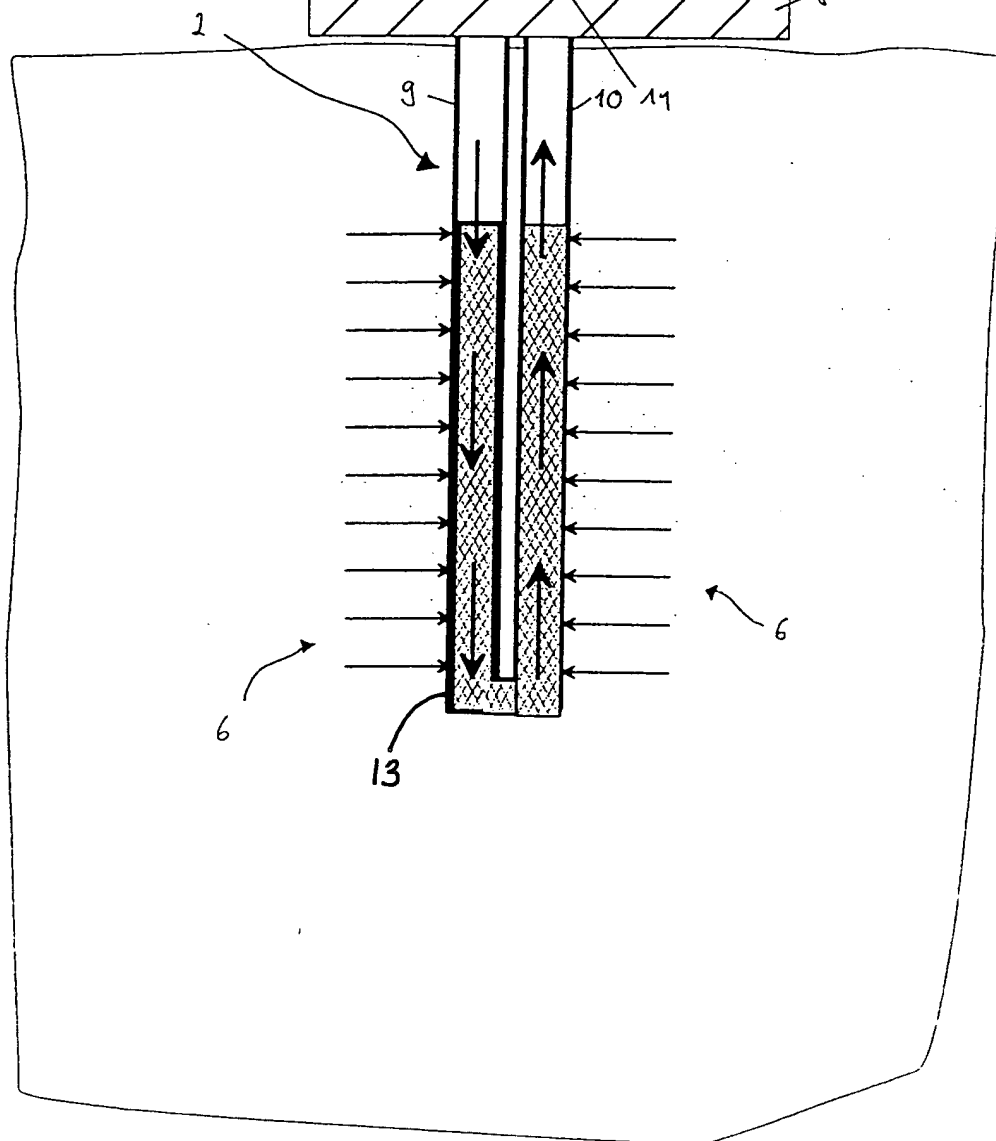


Fig. 1